IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 20421 of 2005

Between:

Y.Udayakumar

..... PETITIONER

AND

The District Collector, Nellore,

Nellore District and 3 others

.....RESPONDENTS

ORDER:

Calling for the records relating to the orders passed by the

1st respondent in Rc.E.128/2004, dated 31.03.2005 confirming the orders passed by the 2nd respondent in D.Dis.(E) 628/2003, dated 25.02.2004, the present writ petition is filed.

It is the case of the petitioner that himself, 4th respondent and two others have applied for the post of fair price shop dealer for Yaragatipalli village and faced interview, but the 3rd respondent appointed the 4th respondent as fair price shop dealer, rejecting his candidature without mentioning any reasons. It is further stated that the petitioner is a better qualified person among all four candidates. Aggrieved by the appointment of the 4th respondent, the petitioner preferred an appeal before the 2nd respondent. The 2nd respondent having held that the appointment of the 4th respondent is without valid assessment, directed the 3rd respondent to issue fresh notification for the said vacancy instead of appointing the petitioner. Aggrieved by the orders of the 2nd respondent, the petitioner as well as 4th respondent filed revisions separately before the 1st respondent and the same were rejected by order dated 31.03.2005. Hence the petitioner is constrained to file this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The learned counsel for the petitioner contended that the petitioner is the better qualified person among all the candidates appeared for the post of fair price shop dealer, and that the

2nd respondent, on the appeal filed the petitioner, ought to have appointed the petitioner by cancelling the appointment of the

4th respondent as fair price shop dealer, and hence, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Civil Supplies contended

that the petitioner has no right to challenge the

re-notification, as ordered by the 2nd respondent, as per the decision of this Court in ***Saggam Sudharani vs. The Revenue Divisional Officer*** and hence, he prays to dismiss the writ petition.

Though the petitioner was high qualified among all the candidates appeared for the interview for the post of fair price shop dealer, his candidature was not considered on the ground that he has some gainful employment, and the 4th respondent was appointed. The petitioner filed an appeal before the 2nd respondent against the appointment of the

4th respondent and the 2nd respondent cancelled the appointment of the 4th respondent and ordered for re-notification for the said vacancy. Challenging the same, the present writ petition is filed.

The petitioner has no right to challenge the re-notification in view of the judgment rendered by this Court in ***Sagam Sudharani vs. The Revenue Divisional Officer***, wherein it is held:

"The above two decisions relied upon by the learned Counsel for the petitioner are not relevant inasmuch as in the instant case, the rules have not been amended or altered. In the case on hand, pursuant to the first notification, only three candidates including the two petitioners herein applied and were interviewed. Selection, however, was not made nor any results announced. The vacancy was not filled. The contention, however, of the learned counsel for the petitioner is that when the vacancy is notified for appointment and interviews are conducted, the candidate who appeared in the interview if they are found fit, they shoul be appointed and if not so appointed, the action of the respondents has to be declared arbitrary. I cannot accede to the said contention of the learned Counsel. Ordinarily, the notification published inviting applications for filling up a post or vacancy merely amounts to an invitation to qualified candidates to apply for recruitment. The candidates do not acquire any right to the post."

Following the above said ratio, the writ petition is devoid of merit and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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K.C. BHANU,J

Dated: 16.09.2005

Dsr